

PLANNING BOARD MINUTES

January 17, 2007

ROLL CALL:

Phil LoChiatto, Chairman – Present	Ruth-Ellen Post, Vice Chairman – Excused
Nancy Prendergast, Secretary – Present	Walter Kolodziej, Regular Member – Present
Ross McLeod, Regular Member – Excused	Pam Skinner, Regular Member – Excused
Neelima Gogumalla, Alternate – Excused	Rick Okerman, Alternate – Present
Margaret Crisler, Selectmen Member – Present	Alan Carpenter, Selectmen Alternate – Excused

STAFF:

Al Turner, Director of Planning and Development – Present
Shaun Logue, Town Planner – Present

Mr. LoChiatto opened the meeting at 7:30 pm. Mr. Okerman replaced Ms. Skinner.

MINUTES:

- Ms. Prendergast motioned to approve the January 3 minutes. Mr. Okerman seconded. Passed 3-0-2. Mr. Kolodziej and Mrs. Crisler abstained.

CORRESPONDENCE:

- Memo from Attorney Campbell requesting a meeting with the Planning Board. Board discussion: The Board will meet with Attorney Campbell on January 31 at 7:00 pm;
- Letter from Herbert Associates requesting to continue the Willows Site Plan to February 7.

Ms. Gogumalla joined the Board and replaced Mr. McLeod.

LIAISON REPORTS:

Margaret Crisler, Selectmen: The Selectmen have been having public hearings on the warrant and budget. Bill Cass from the DOT will be meeting with the Selectmen on January 22 to give an update on the Rt 93 expansion and exit 3 relocation. The Trails Committee and Historic District Commission have received a private donation of a 1923 caboose for the depot. *Mr. McLeod joined the Board and Ms. Gogumalla replaced Ms. Post.*

OLD BUSINESS/NEW BUSINESS:

Mr. Turner stated he met with the DOT regarding the Village Center District and a roundabout on North Lowell Road, there was no strong objections to a roundabout at Church Road and they thought that a right turn lane would relieve traffic, the State has approved plans to add a right turn lane on North Lowell onto Rt 111, and the high school should have their driveway permit this week.

The Board discussed the evening's agenda. Mrs. Crisler motioned to continue the Willows Site Plan to February 7. Mr. McLeod seconded. Passed 7-0. The Board discussed the order of the agenda in regards to the Heights of West Windham needing to be heard prior to Johnny Hill Road Estates. Peter Zohdi, representing Dunkin Donuts, stated he didn't mind if the Heights of West Windham was moved to the front of the agenda. Mr. McLeod motioned to move the Heights of West Windham to the top of the agenda in consideration of its unique characteristics and relationship to Johnny Hill Road Estates. Mr. Kolodziej seconded. Passed 7-0.

PUBLIC HEARINGS:

Heights of West Windham Plan Revision – Public Hearing
Heritage Hill Road, lots 14-F-165 & 166

Mr. Turner stated that this public hearing is to remove the trail easement of the Heights of West Windham Subdivision, and the plan is ready for public hearing. Mr. McLeod motioned to accept for public hearing. Mr. Okerman seconded. Passed 7-0.

Mr. Turner: Showed the location of the subdivision on a map and explained the location of trail, in 2000 the applicant wanted to remove the trail, the Board voted to remove the trail with a condition that the applicant construct a trail on Heritage Hill and connect it to the school land, another condition was that the applicant would create a new trail on the old Johnny Hill Road, the applicant does not have control of the entire Johnny Hill Road, the trail would be adjacent to two homes, the Board would have to revise the 2000 condition of approval, and the applicant built the two other trails.

Peter Zohdi, Herbert Associates: Has met with the Trails Committee, the developer is willing to donate \$35,000 towards maintenance of other Windham trails, and the trail that they want to remove is not connected to any other trails.

Board discussion: The approval was August 16, 2000, a Board member asked if the trail is landlocked by private lands, and Mr. Zohdi showed on the map where the access would be.

Attorney William Mason: The section of Johnny Hill Road being discussed was discontinued on March 14, 1962, looking for an amendment to the Windham Heights subdivision, the trail does not connect to any other trails, Mr. Ryan (the owner) is trying to be a good citizen and help the Trails Committee, and hopes the Board supports this resolution. Mr. Turner stated that the staff was not part of the negotiations.

Public comment from Peter D'Antonio, 47 Heritage Hill Road: Thought more of his neighbors would have attended but there is a power outage in their area, he wanted to know how does it relate to the existing houses on Heritage Hill Road, and what are the plans for Timberlane Road. Mr. Zohdi responded and showed Mr. D'Antonio the overall plan. Mr. Turner stated that several abutters came into the office for information when they got the abutters notification.

Wayne Morris, Trails Committee: He stated that the staff was not involved, the applicant came before the Trails Committee, the money will go towards paying off the construction costs of the Rail Trail, the Planning Board has done this before with other subdivisions, and the applicant had not been able to sell the lots because of the easement on them.

Mr. McLeod motioned to amend year 2000 approval of Plan D-27441 by removing the condition requiring a trail easement given what has already transpired resulting in a segmentation of the trail. The continued existence of the easement is of minimal trail value and the applicants proposed contribution of \$35,000 for trail maintenance elsewhere in Windham will be of tangible benefit. Mrs. Crisler seconded. Passed 7-0.

**Johnny Hill Road Estates – 27 residential lots and 1 open space lot—Public Hearing
Bear Hill Road and Heritage Hill Road, lot 20-D-3000**

Mr. Turner stated that this is a continuation of a public hearing. Mr. Kolodziej motioned to reopen the public hearing. Mr. McLeod seconded. Passed 7-0.

Mr. Turner stated the applicant is requesting a 27 lot conventional subdivision for single-family homes, there will be one unbuildable lot donated to the Town to be preserved as open space, the lot is 81 acres and located in the Rural district, and there will be on-site water and septic, he then showed the parcel on a map with the connection to Jamestown Road which is currently being built, it is a great benefit for

traffic circulation and access, Johnny Hill Road bisects the property, Bennington Road is 2,500 ft, he showed the wetlands on the map, the following studies have been done: staff review, groundwater resources impact assessment, stormwater and drainage calculations, and traffic evaluation. Homeowners should have sensors installed for lawn sprinkler systems, a WWPD Special Permit has been requested, the roadways are designed to accommodate future developments, development issues include road connectivity, Gage Lands access, historic stone walls should not be removed, and he read the staff recommendations of approval.

Peter Zohdi, Herbert Associates: He agrees with the staff presentation, there are 27 buildable lots and 1 non buildable lot, and he is requesting a Special Permit, Terra Bella Subdivision has an easement and will do the same for this subdivision to go to the Gage Lands, and the easement will be deeded to the Town. Mr. Zohdi will work with the Selectmen and staff regarding the road name.

Board discussion: Concerned that the 50' right-of-way could become a road in the future, it should be restricted as a non-motorized trail, a 50' wide easement would mean the trail doesn't have to be straight and it gives abutting property owners privacy, and future Boards could nullify the restrictions.

Attorney Mason: Concerned with the condition of approval regarding the stonewall along Johnny Hill Road, and Mr. Ryan would like to preserve the stonewall or use the stones throughout the subdivision but not move the wall. Mr. Zohdi: Stated that condition should read that the stonewall at the crossing should be relocated.

Board discussion: The wall should not be arbitrarily moved, rebuild the wall at a 90 degree angle like an intersection. Mr. Turner reminded the Board that the Terra Bella subdivision donated \$1000 per lot for Londonbridge Road. Mr. Zohdi stated other subdivisions have donated \$1000 per lot and hopes that future subdivision will do the same. Mr. Turner stated the third subdivision will have much more impact on Londonbridge Road than \$1000 per lot will cover, and access for the land locked parcels was in the Terra Bella Subdivision.

Mr. Zohdi: He showed the treatment swale and the detention ponds, asking for a WWPD crossing for the well on lot 3030, and he met with Conservation Commission three or four times and they did not have any objections.

Public comment from Wayne Morris, Trails Committee: Would like the Board to put restrictions on the right-of-way, the Gage Lands is for conservation/recreation, and 25' right-of-way would be adequate for a trail.

Board discussion: Would they consider paving a 4-6' wide access trail to the Gage Lands, do it before the houses are built, more people use it when it's paved, and it would make it known to abutting homeowners that the right-of-way is there. Everett Ryan, owner, stated he would prefer a winding gravel path much like the other two trails he has done. Board discussion: Are there other trails besides the Rail Trail that are paved, granite posts should be at the end to mark it, use stone dust and gravel, ask the applicant to work with the Trails Committee for the location of the trail, and build the trail before the houses are built. Mr. Zohdi agreed to work with the staff and the Trails Committee.

Mr. McLeod motioned to approve the WWPD Special Permit finding it to be in compliance with our zoning ordinance Section 601.1. Mrs. Crisler seconded. Passed 7-0.

Mr. McLeod motioned to approve the subdivision with the following conditions: 1) The applicant should submit a landscape plan and planting specifications for the areas to be replanted and restored in the WWPD, acceptable to staff; 2) All property bounds that are adjacent to town property or rights-of-ways shall be marked with granite (4”Sq. x 36” Long) and shall be installed level with the final grade. All other corners shall be marked with permanent boundary markers (stone or iron); 3) The road shall have a performance guarantee in the form of a bond or letter of credit prior to recording of the final plans; 4) All state, federal and local approvals shall be received prior to the start of construction and recording of the plans; 5) The road names shall be approved by the Board of Selectmen; 6) The stone walls along Johnny Hill Road crossing should be relocated to preserve the appearance of the historic road and to mark the side of Johnny Hill Road in the visual vicinity of the road crossing; 7) Applicant shall provide to the Town, prior to the start of construction, evidence that adequate utilities are available to service the proposed development and a plan shall be submitted illustrating the proposed location of the utilities within the public-right-of-way or utility easements; 8) Applicant is to supply a warranty deed for the road, which shall be reviewed by Town Council. All legal fees for the Town Attorney will be paid by the Applicant; 9) The applicant shall have an NH certified engineer review the drainage on the proposed road six months after the drainage system is fully operating to verify that the design is working as planned. The engineer shall prepare a written report, and recommend modifications, if necessary, to the design which will be addressed immediately at the owner’s expense; 10) If a cistern is used for fire protection, the easement and standard paved apron to access the cistern should be included in the final set of plans; 11) Individual homeowners’ within the subdivision who install irrigation systems shall be required to install rain sensors and timers to prevent over-watering; 12) The house address numbers and parcel numbers shall be approved by the Town Assessor prior to recording the plans; 13) Trail easement access to Gage Lands through lot 20-D-3020 shall be marked by a 4” x 4” x to be determined granite trail markers similar to Candlewood/Canterbury Roads, 6 ft wide gravel with stone dust to be constructed prior to construction of any houses on lot 20-D-3020 and located in agreement with staff and the Trails Subcommittee; 14) Recommend to the Board of Selectmen to accept the applicants proposed donation of \$1,000 per lot toward the improvement of Londonbridge Road; 15) Recommend to the Board of Selectmen to accept the applicants proposed donation of lot 20-D-3000, Ryan Family Natural Preserve, to the Town of Windham. Mrs. Crisler seconded. Passed 7-0.

Dunkin Donuts Site Plan, 4,000 sq ft – Public Discussion
30 Indian Rock Road, lot 16-L-1

Mr. Turner: This is a continuation of a public discussion for Dunkin Donuts, he showed on a map where the lot is located, the parcel is located in the “circle” on the Village Center Master Plan map, the current Dunkin Donuts needs to relocate, the lot is 1.1 acres in the Village Center District, adjacent to Business Commercial A and Historic District, .51% of the parcel is in the WWPD, there is a dilapidated vacant home on the property that has been used by the fire department for practice, the proposed structure is 4,000 sq ft, they will have on-site well and septic, there is a 20’ easement located on the edge of the property, the property is subject to numerous regulations and design standards which include Section 612.3 of the zoning ordinance, Sections 1300 and 1310 of the site plan regulations, and the Village Center District Conceptual Master Plan. A major concern will be the stacking of cars for the drive up window, should have enough stacking for 12 vehicles, drive-up windows and this restaurant are not allowed in the Village Center District, only restaurants where the food is primarily consumed on-site is allowed, the Code Enforcement Office has written a letter to the applicant regarding this, a zoning variance will be required for the use, the applicant wants to run the plan by the Planning Board before they go to the ZBA, he reviewed the development issues including road layout and design requirements, parking, WWPD, landscaping, and signage, and he read the Village Center Guidelines. The applicant should provide historical stacking information, there should be a deceleration lane onto the site, a driveway permit is required from the DOT, this will stop a future traffic circle if developed as proposed,

there should be some kind of agreement if a road were to ever connect with Church Road to make the circle, and the agreement should be like what was done with the Post Office. Board discussion: This site is more congested than their current site, what plans do they have for entering and leaving the site? Drive-thru's are not allowed, the applicant is applying for a variance, the plan is oblivious to the regulations, ordinances and Master Plans, and why is the applicant bringing such a plan before the Board?

Peter Zohdi, Herbert Associate: Proposing a 4,000 sq ft building with a drive thru for a Dunkin Donuts, have been working with the staff regarding the access to the property, NH DOT is taking their existing building, there's not much availability on the Rt 111 corridor, in front of the Board to get their recommendations, should the access be from Fellows Road, the property between this site and the fire department has been flagged by Mr. Gove, DOT would like a bypass lane, he stated that he didn't have a problem hiring a traffic engineer under the supervision of the staff, will be going to the ZBA for a drive thru, Dunkin Donuts is not of value without a drive thru, does it make sense to start the conversation with the Selectmen regarding an access to Fellows Road. Mr. Turner stated it's not acceptable to go through the yard of the fire department, it doesn't allow for the circle, and he showed a better location for a crescent part of the future circle.

Board discussion: A big problem will be the parking of large trucks, at their current location trucks stopping on the other side of RT 111 is a major problem, the Town looked at a connection off of Fellows Road to a parcel in this area and it crossed wetlands and the road was too long, public safety was discussed, Dunkin Donuts would have too much traffic for the intersection, does the Dunkin Donuts achieve the goals of the Master Plan, what will the building look like? Architecture is an important aspect of the Village Center District, traffic flow and access are problems, on-site parking and traffic flow needs more design, and it will be problematic making a left hand turn out of the site. Mr. Turner read Section 1310.2.1 of the site plan regulations, and it will be difficult to comply with the regulations. Board discussion: The regulations were mostly discussed regarding the lots across the streets, has the applicant thought about turning the building? Mr. Zohdi: They've thought about two buildings with parking between them, and needs to get a drive thru. Board discussion: Should go to the ZBA with a plan that will be similar to what will come to the Planning Board, turning the building will give it a historical context with a small presence to the street, parking would then be in the back or side, and it is premature to do a checklist. Mr. Zohdi: Would like the Board to authorize the staff to work with their traffic engineer. Board discussion: The engineer should be at the discretion of the applicant. Mr. Turner stated it's okay as long as the Board doesn't hire or select the engineer.

No public comment.

Granite State Sports Club Site Plan, 96,000 sq ft – Public Discussion
Wheeler Road, lot 11-A-51

Mr. Turner: The project will be located on Wheeler Road which is off Ledge Road, the applicant is proposing a 96,000 sq ft multi-use recreation center located on approximately 7.5 acres, it will consist of indoor artificial turf playing fields and a fitness center, it is in the Limited Industrial zoning district and adjacent to the Rural zone, it will have an on-site well and subsurface disposal system and stormwater treatment and recharge facilities, it is not an allowed use in this district, the Board voted to recommend the zoning change to allow recreation and sports clubs in the Limited Industrial zone, the site is under construction for the building of Wheeler Road, the following reports have been done: staff report, wetlands delineation, phase I environmental site assessment, wildlife habitat assessment, traffic impact assessment, stormwater pollution prevention plan, and storm drainage computations. Mr. Turner showed the location of the parcel on a map, he indicated the site entrances and well location, drainage will be

tied into the Wheeler Road drainage after it's been treated, 279 parking spaces will be required, this complex will be similar to a complex in Derry. Development issues for the site include site access, appropriate signage, parking location, uses such as college tournaments, landscaping, architectural renderings, and design review guidelines. Mr. Turner read Section 1300 of the site plan ordinance and Section 700 of the zoning ordinance, noise would be an issue and needs to be met by our regulations, a traffic study has been done, and the Board may want to consider having it updated.

James Bowen, representing the Granite State Sports Club: Has been meeting with Mr. Turner who has been very helpful, and True Engineering will explain the site specific.

Brian Pratt, True Engineering: Mr. Turner did a good job explaining the site and doesn't have much to add and offered to answer any Board questions, and there will be 3 indoor soccer fields. Mr. Bowen explained the orientation of the building and the interior layout, and the building is set high and there will be a building in front of it. Board discussion: The front entrance needs good circulation and an overhang for bad weather. Board discussion with Mr. Bowen: Will use stonework to break up the façade, there will be a separate drop off areas for the fitness center and soccer fields, trying to keep the traffic to the front, and should the building be flipped.

Bill Masco, founder and Windham resident: The land has a great view and he is using the view for the fitness center, and there's a potential for shared parking with neighboring office buildings with its current configuration.

Mr. Bowen and Mr. Masco answered the Board's questions: There have been discussions about shared parking, the building will be metal with a metal roof, the roof will have a 1% pitch, there is a landscape buffer between the building and the curbing, the building will have drywall for sound deafening, the field walls will have R19 insulation and the roof has R30 insulation, the building is air conditioned and they do not want the doors left open, there is no stadium seating, will have evergreens for screening and sound absorption, a drop off lane was removed to accommodate more parking, the staff would like a drop off lane, there will be 18 HVAC units on the roof, the units will have some skirting to hide the units, the Board was concerned with seeing the units, there is a concession area with no food preparation on-site, there will be vending machines, they are still working on the vestibule area to get the grit off people's feet, the drainage design is mostly complete, it's a closed drainage system, the road was designed to handle the flow, there is a detention pond, a swale, and a settling tank, True Engineering is working with the whole site, there will be a subdivision plan coming before the Board, Board would like to see snow storage and a lighting plan, the plan will be dark sky friendly, the building will have fire suppression, there could be a zoning issue if the voters don't vote to approve the zoning change, and a checklist was completed and staff will send the plan out for department comments.

Mr. Kolodziej motioned to adjourn. Mr. McLeod seconded. Passed 7-0. Meeting adjourned at 11:00 pm.

These minutes are in draft form and have not yet been reviewed and approved.
Respectfully submitted, Nancy Charland